Vacant Posts of Judges in High Courts

*34. SHRI RAJEEV SHUKLA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the total number of vacancies in the High Courts as on date;

(b) the steps being taken to fill up the vacancies;

(c) whether any proposal exists to increase the strength of judges in any of the High Courts; and

(d) if so, the details thereof alongwith the action takes so far?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (d) Against the sanctioned strength of 675 Judges in 21 High Courts, 553 Judges were in position as on 15.2.2006, leaving 122 vacancies to be filled up.

Filling up of vacancies in the High Courts is a continuous consultative process among the constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep arising on account of retirements, resignation or elevation of Judges.

After the Supreme Court Judgement of October 6, 1993 in the Supreme Court Advocates-on-Record & Anr. Vs. Union of India, read with the Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of a High Court lies with the Chief Justice of that High Court Government has been periodically reminding the Chief Justices of the High Courts and the Chief Ministers of the States to initiate proposals for filling up all vacant posts of judges in the High Courts as also those which will be falling vacant during the next six months.

The judge strength of the High Courts is reviewed every three years. For review of Judge strength, the average institution and the pendency of main cases during the last five years is considered by taking into account the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher. If the disposal per Judge in the concerned High Court is below even the national average then instead of increasing the strength, the concerned

High Court is required to take steps for improvement in the rate of disposal of cases. If the average disposal of concerned High Court is above the national average then increase in Judge strength is accordingly considered. The strength of Additional Judges is reviewed only if there is an increase in the arrears of the pending cases during the last 5 years and the disposal per Judge is above the national average. The last review was undertaken in the year 2003 when 94 new posts were recommended. As an interim review, 4 posts of Judges were approved for the Bombay High Court in 2005, making the total for increase of 98 posts. The next review is due in 2006 for which the High Courts have been requested to furnish data.

Lifetime validity schemes floated by cellular service providers

*35. PROF. ALKA BALRAM KASHATRIYA:
SHRI B.K. HARIPRASAD:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government are aware that private and public sector mobile companies are vigorously advertising lifelong validity connections to woo consumer while their license tenure is actually for a period of 15 to 20 years only and some of this period has also lapsed;

(b) if so, the details of the step taken or to be taken by Government to safeguard the interest of consumers in this regard; and

(c) if not, the reasons therefor?

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI DAYANIDHI MARAN): (a) Yes, Sir. Several mobile operators have implemented tariff schemes under the name and style of lifetime validity.

The Mobile Telephone Service License is for a period of 20 years with a provision of extension by another 10 years, if requested by the licensee in the 19th year.